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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kenneth Lerman

Serial No: 09/872,263

Filed: May 31, 2001

For: A SYSTEM AND METHOD FOR THE USE  
OF RESET LOGIC IN HIGH  
AVAILABILITY SYSTEMS

Attorney Docket No: SYCS-035

Group Art Unit:

Examiner:

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MAY 01 2002

OFFICE OF PETITIONS

Office of Petitions  
Commissioner for Patents  
Washington, D.C. 20231

"Express Mail" Mailing Label Number EL 941 615 935 US

Date of Deposit February 28, 2002

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Office of Petitions, Commissioner for Patents, Washington, DC 20231.

Signature

Larry Taylor

Please Print Name of Person Signing

PETITION UNDER 37 C.F.R. § 1.47(b)

Sir:

The assignee of the invention of the present application, Sycamore Networks, Inc., hereby petitions the commissioner under 37 C.F.R. § 1.47(b) to accept this application on their behalf and as agents for the inventor.

The lone inventor, Kenneth Lerman, refuses to sign the application. Failure to grant the petition will result in irreparable damage to the Petitioner. As noted in the attached Statement of Pertinent Facts, a statutory bar date relating to the first public use of the invention in June of 2000 at the Supercomm convention has now passed and will serve to prevent the patenting of the

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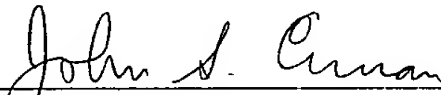
01 FC:122 130.00 CH  
Adjustment date: 05/14/2002 AKELLEY  
03/07/2002 SSITHIB1 00000109 120080 09872263  
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invention if the 37 C.F.R. 1.47(b) petition is refused and the original filing date is accordingly not granted for the Application. The loss of patent rights represents the loss of money to the corporation from licensing and royalty payments.

This petition is accompanied by a verified statement of pertinent facts evidencing Mr. Lerman's refusal to sign the application and an authorization to charge Deposit Account # 12-0080 a fee of \$130.00 as set forth in 37 C.F.R. 1.17(i) and is responsive to the Notice to File Missing Parts dated August 2, 2001 (copy enclosed), and the Decision Refusing Status Under 37 C.F.R. 1.47 (b) dated December 31, 2001.

Please charge Deposit Account No. 12-0080 the fee of \$130.00 and any additional fees that are due. A duplicate of this letter is provided for this purpose.

Respectfully submitted,  
LAHIVE & COCKFIELD, LLP

  
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John S. Curran, Esq.  
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Attorney for Petitioner

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Date: February 28, 2002

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